



Legislative Bulletin.....March 26, 2007

Contents:

H.R. 753 - To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis/Odell Horton Federal Building”

H.R. 1019 - To designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the “Rafael Martinez Nadal United States Customhouse Building”

H.R. 1138 - To designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse”

H.R. 802 - Maritime Pollution Prevention Act of 2007

H.R. 1195 - To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes

H.Res. __ - Supporting the goals and ideals of Professional Social Work Month and the World Social Work Day

H.R. 1468 - Disadvantaged Business Disaster Eligibility Act

H.R. 137 - Animal Fighting Prohibition Enforcement Act of 2007

H.R. 580 - To amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 1

Number of Bills Without Committee Reports: 3

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 3

H.R. 753 — To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis/Odell Horton Federal Building” (Cohen, D-TN)

Order of Business: The bill is scheduled for consideration on Monday, March 26th, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 753 would designate the federal building located at 167 North Main Street in Memphis, Tennessee, (commonly known as the Clifford Davis Federal Building) as the “Clifford Davis/Odell Horton Federal Building.”

Additional Background: According to Sen. Alexander’s office, Odell Horton was the first black U.S. District Court judge appointed in Tennessee since Reconstruction. Judge Horton was appointed by President Carter on May 12, 1980, and subsequently served as Chief Judge of the U.S. District Court for the Western District of Tennessee from 1987 through 1993. The federal building is current known as the Clifford Davis Federal Building, in honor former Rep Davis, who represented the Memphis area in Congress from 1940 through 1965. Judge Horton died on February 22, 2006.

Committee Action: H.R. 753 was introduced on January 31, 2007, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Economic Development, Public Buildings and Emergency Management, which marked-up the bill and reported it to the House by voice vote on March 1, 2007.

Cost to Taxpayers: A CBO score of H.R. 753 is unavailable, but the bill does not authorize new expenditures. The only costs associated with a federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 1019 — To designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the “Rafael Martinez Nadal United States Customhouse Building” (R.C. Fortuno, R-PR)

Order of Business: The bill is scheduled for consideration on Monday, March 26, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1019 would designate the U.S. customhouse building located at 31 Gonzalez Clemente Avenue in Mayagu.AE4ez, Puerto Rico, as the “Rafael Martinez Nadal United States Customhouse Building.”

Additional Background: Rafael Martinez Nada is a former president of the Senate in Puerto Rico.

Committee Action: H.R. 1019 was introduced on February 13, 2007, and referred to the Committee on Transportation and Infrastructure, which marked-up the bill on March 1st, and reported it to the House by voice vote the same day.

Cost to Taxpayers: A CBO score of H.R. 1019 is unavailable, but the bill does not authorize new expenditures. The only costs associated with a federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

**H.R. 1138 — To designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse”
(Butterfield, D-NC)**

Order of Business: The bill is scheduled for consideration on Monday, March 26, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1138 would designate the federal courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse.”

Committee Action: H.R. 1138 was introduced on March 1, 2007, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Economic Development, Public Buildings and Emergency Management, which marked-up the bill and reported it to the House by voice vote on March 1, 2007.

Cost to Taxpayers: A CBO score of H.R. 1138 is unavailable, but the bill does not authorize new expenditures. The only costs associated with a federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 802— Maritime Pollution Prevention Act of 2007 — (*Oberstar, D-MN*)

Order of Business: H.R. 802 is scheduled to be considered on Monday, March 26, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 802 would amend the Prevent Pollution from Ships Act by applying the provisions (relating to vessel air emissions standards) of the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships (MARPOL). These provisions would apply to certain marine diesel engines, and other classes of public vessels. The bill would give the Environmental Protection Agency (EPA) significant authority over enforcing these regulations, which typically is an authority held by the Coast Guard. This would result in a large expansion of the EPA's authority over domestic and international waters. In addition, the requirements would likely impact owners of recreational watercraft (such as fishing boats).

The bill directs the EPA to establish regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances and other substances. H.R. 802 would allow the Secretary of Energy and Commerce to deny the entry of a ship to a port required by the MARPOL Protocol or other regulations required by this Act.

Committee Action: H.R. 802 was introduced on February 5, 2007, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill, as amended, by voice vote on March 20, 2007.

Cost to Taxpayer: CBO estimates that developing new regulations would cost the EPA \$2 million over the next three years, and that ongoing enforcement activities would cost \$1 million annually thereafter.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The committee report cites constitutional authority in Article 1, Section 8 of the Constitution, but fails to cite a specific clause. However, House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution" [*emphasis added*].

**H.R. 1195—To amend the Safe, Accountable, Flexible, Efficient
Transportation Equity Act: A Legacy for Users to make technical
corrections, and for other purposes — (*Oberstar, D-MN*)**

Order of Business: H.R. 1195 is scheduled to be considered on Monday, March 26, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1195 makes numerous technical corrections to federal surface transportation programs authorized by SAFETEA-LU (P.L. 109-59). Below are the *highlights*:

- Provides \$90 million in new contract authority for the magnetic levitation technology program (a mass transit program) or MAGLEV over three years. Under SAFETEA-LU, 50% of this funding is earmarked for a Nevada project and the rest for a project “east of the Mississippi.”
- Amends 231 earmarks included in SAFETEA-LU by either changing the definition of the project or increasing the amount of the earmark. The following is just a few of these changes:
 - Amends an earmark that provides \$20 million for a new American border plaza at the Blue Water Bridget near Port Huron, MI, by providing that \$7.4 million is for planning, design, and construction of the project, and \$12.6 million is for integrated highway realignment and grade separations to eliminate road blockages from NAFTA rail traffic;
 - Amends an earmark that provides \$5 million for I-80 improvements, to direct this money to “improvements to state road 312, Hammond;”
 - Increases from \$2.4 million to \$4.8 million, an earmark for the widening of Highway 92 in Kearney, Missouri;
 - Amends an earmark for \$256,000 to “improve Bailie Street in Kentland, Indiana,” to be used for “biking and pedestrian trail construction in Kentland, Indiana;”
 - Increases from \$800,000 to \$2.4 million, an earmark to widen I-240 in Shelby County, Tennessee; and
 - Increases from \$800,000 to \$1.6 million, as earmark to widen state road 80 in Hendry County, Florida.
- Provides \$2 million in new contract authority for the National Surface Transportation Policy and Revenue Study Commission. (Specifically, increases funding from \$1.4 million for each of FY 2006 and FY 2007, to \$1.4 million for FY 2006, and \$3.4 million for FY 2007.)
- Annually reduces core highway formula programs by 0.2% for FY 2007-2009 and transfers the contract authority to the F-SHARP highway research program. This takedown would transfer some \$200 million in total “above the line,” but would not affect the Equity Bonus (EB) calculations, even though some states will lose funding.

This is to address the fact that the research programs in Title V of SAFETEA-LU were over-earmarked.

- Offsets the costs of the bill's provisions by increasing the scheduled rescission of contract authority on September 30, 2009, under SAFETEA-LU, from \$8.593 billion to \$8.710 billion (an increase of \$117 million). While some conservatives may be concerned that this rescission of contract authority will never materialize, it is important to remember that the obligation limitations, which control the amount of annual transportation spending regardless of what has been authorized, are not being changed. This will ensure that SAFETEA-LU's "real world" funding will not surpass \$286 billion.
- Amends the requirement that second-offense drunk drivers have their licenses revoked for one year (without states being subject to financial penalty) and instead, allows for either a one year suspension *or* a 45 day suspension followed by a reinstatement period, so long as an ignition interlock device (breathalyzer) is installed on the individual's vehicle.
- Clarifies that the Federal Highway Administration's current application of the Buy America test—with regard to the policy only being applied to components or parts of a bridge project and not the entire bridge project—is inconsistent with congressional intent.

Background: On August 10, 2005, the President signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) into law to provide \$286 billion over five years for all federal surface transportation programs. The bill also included over 6,300 member earmarks, representing 8% of the bill's overall funding and a substantial increase over the preceding transportation authorization bill's (TEA-21, 1998-2003) then-record level of 1,850 earmarks.

Committee Action: The bill was introduced on February 27, 2007, and referred to the House Committee on Transportation and Infrastructure, which held a mark-up and reported the bill by voice vote, as amended, on March 21, 2007.

Does the Bill Comply with House Rules Regarding Earmarks? H.R. 1195 is being considered under a motion to suspend the rules and pass the bill. As a result, the bill technically does not have to include a list of all the earmarks (and the requesting member) or a statement that no earmarks are included. However, the Committee Report states that "it is not clear if the definition of 'congressional earmark' under clause 9(d) of rule XXI applies to technical corrections to SAFETEA-LU projects because these technical corrections do not provide new budget authority for such projects. However, in the interests of full disclosure and transparency, the Committee has required Members of Congress to comply with all requirements of clause 9(d), 9(c), or 9(f) of rule XXI." The Committee Report provides a table listing all of the provisions in the bill (including the requesting Member) amending earmarks provided for in the original SAFETEA-LU legislation. To view this list, please click [here](#).

Cost to Taxpayer: According to CBO, the bill reduces contract authority by \$25 million over the FY 2007 through FY 2009 period.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The committee report cites constitutional authority in Article 1, Section 8 of the Constitution, but fails to cite a specific clause. However, House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” *[emphasis added]*.

RSC Staff Contact: Joelle Cannon, joelle.cannon@mail.house.gov, 202.226.0718.

H.Res. __ — Supporting the goals and ideals of Professional Social Work Month and World Social Work Day — (*Shea-Porter, D-NH*)

Order of Business: H.Res.__ is scheduled to be considered on Monday, March 26, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. __ resolves that the House of Representatives:

- “supports the goals and ideals of Professional Social Work Month and World Social Work Day;
- “acknowledges the diligent efforts of individuals and groups who promote the importance of social work and who are observing Professional Social Work Month and World Social Work Day;
- “encourages the American people to engage in appropriate ceremonies and activities to further promote awareness of the life-changing role of social workers;
- “recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work; and
- “encourages young people to seek out educational and professional opportunities to become social workers.”

The bill lists a number of findings, including the following:

- “social workers have the demonstrated education and experience to guide individuals, families, and communities through complex issues and choices;
- “social workers connect individuals, families, and communities to available resources;
- “social workers are dedicated to improving the society in which we live;
- “social workers are positive and compassionate professionals;
- “social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities;
- “social workers have been the driving force behind important social movements in the United States and abroad; and
- “Professional Social Work Month, and World Work Social Day, which is March 27, 2007, will build awareness of the role of professional social workers and their

commitment and dedication to individuals, families, and communities everywhere through service delivery, research, education, and legislative advocacy.”

Committee Action: H.Res. __ will reportedly be introduced today.

Cost to Taxpayer: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

RSC Staff Contact: Joelle Cannon, joelle.cannon@mail.house.gov, 202.226.0718.

H.R. 1468 — Disadvantaged Business Disaster Eligibility Act (Jefferson, D-LA)

Order of Business: The bill is scheduled for consideration on Monday, March 26, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1468 would extend the eligibility small and disadvantaged businesses in Louisiana affected by Hurricane Katrina to participate in the Small Business Administration’s 8(a) program and to receive related technical assistance programs for an additional 18 months. Thus, businesses participation in the SBA 8(a) program located in Louisiana areas that were designated disaster areas due to Hurricane Katrina would be eligible for this extension. The bill would also require the SBA to continue to review every small business involved in the program to ensure compliance.

Additional Background: According to CBO, the SBA 8(a) program helps small and disadvantaged businesses bid for federal contracts. Eligible businesses generally participate in the 8(a) program for nine years, receiving technical support as necessary during that time.

Committee Action: H.R. 1468 was introduced on March 12, 2007, and referred to the Committee on Small Business, which marked-up the bill and reported it by voice vote on March 15, 2007.

Cost to Taxpayers: CBO estimates that enacting H.R. 1468 would cost less than \$1 million. Enacting H.R. 1468 would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 137—Animal Fighting Prohibition Enforcement Act (Gallegly, R-CA)

Order of Business: The bill is scheduled to be considered on Monday, March 26th, under a motion to suspend the rules and pass the bill.

NOTE: This bill has been amended since the RSC’s Legislative Bulletin on this bill last week.

Summary (as amended): H.R. 137 would enforce the current prohibitions against certain animal fighting ventures (often referred to as “cockfighting”) as if they were **federal crimes** under Chapter 3 of Title 18, U.S. Code. They are presently federal misdemeanors (7 U.S.C. 2156) with lower penalties. The penalties would no longer exist under Title 7.

Specifically, H.R. 137 would enforce as a **federal crime** the act of any person knowingly sponsoring or exhibiting an animal in an animal fighting venture, if *any* animal in the venture was moved in interstate or foreign commerce. Even in a state that allows cockfighting, it would be enforced as a **federal crime** for a person to sponsor or exhibit a bird in the cockfight if the person knew that *any* bird in the fight was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of a cockfight.

H.R. 137 would also enforce as a **federal crime** the act of any person knowingly selling, buying, transporting, delivering, or receiving for purposes of transportation, in interstate or foreign commerce, any dog or other animal to have the dog or other animal participate in an animal fighting venture.

Furthermore, the bill would enforce as a **federal crime** the act of any person knowingly using the United States Postal Service, or any instrumentality (i.e. communication method) of interstate commerce, for commercial speech promoting an animal fighting venture, except as performed outside the United States and except for cockfights that are legal under state law.

Additionally, the bill would enforce as a **federal crime** the act of any person knowingly selling, buying, transporting, or delivering in interstate or foreign commerce a knife, gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture. This federal criminal enforcement is completely new and not currently a misdemeanor under Section 2156 of Title 7, U.S. Code (though this bill would also make it a misdemeanor).

Anyone violating any of the above provisions would **have to be** fined under Title 18, U.S. Code, and/or **imprisoned for up to three years** for each violation. The maximum prison time in current law is one year.

“Animal fighting venture” is defined as “any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment, except that the term ‘animal fighting venture’ shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal.” Animal is defined as “any live bird, or any live dog or other mammal, except man.”

These enforcements as federal crimes would apply to the District of Columbia and the U.S. territories as well.

Additional Background: According to the Judiciary Committee, all 50 states ban dogfighting, and 49 states ban cockfighting.

RSC Bonus Fact: It may be worth noting that **181** Democrats have co-sponsored this legislation, making it a federal crime to bring an animal across state lines for the purposes of fighting, but only **9** Democrats have co-sponsored H.R. 1063, making it a federal crime to bring a young human being across state lines to abort a child.

Committee Action: On January 4, 2007, the bill was referred to the Judiciary and Agriculture Committees. On February 6th, the Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security marked up the bill and forwarded it by voice vote to the full committee. Later that same day, the full Judiciary Committee marked up and ordered the bill reported to the full House by voice vote. On March 1, 2007, the Agriculture Committee discharged the bill without taking other action. However, on March 21st, the Agriculture asserted its jurisdiction over the bill and demanded amendments. The amended version on the schedule today reflects such changes.

Possible Conservative Concerns: Some conservatives might be concerned that this bill would require the enforcement of four misdemeanors as federal crimes (and create one completely new federal misdemeanor to be enforced as a federal crime)—and increase the penalties—for activities that are already banned in most states. Some conservatives may also believe that people who own or purchase property should be able to do what they want with it, as long as they are not harming another human being.

Cost to Taxpayers: CBO expects that any increase in federal costs for law enforcement, court proceedings, or prison operations also would be insignificant and subject to the availability of appropriated funds.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would create one completely new federal misdemeanor enforced as a federal crime, enforce four current misdemeanors as federal crimes, and increase the penalties for the existing offenses.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes—various new private-sector mandates on the interstate transportation of knives, gaffs, and sharp objects for certain purposes.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: The Judiciary Committee, in House Report 110-27, cites constitutional authority in Article I, Section 8 (powers of Congress), but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

Note: Article VI, Clause 3 of the U.S. Constitution states that, “The Senators and Representatives...and all executive and judicial Officers...shall be bound by Oath or Affirmation, to support this Constitution.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 580 — To amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General (*Berman, D-CA*)

Order of Business: The bill is scheduled for consideration on Monday, March 26, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 580 would change the terms for interim appointments of U.S. Attorneys. Specifically, the bill would amend the federal judicial code to provide that any individual appointed (under 28 U.S.C. Sec. 546c) as a United States Attorney in a district where there is a vacancy may serve until the earlier date of either: 1) the qualification of a U.S. Attorney appointed by the President, or 2) the expiration of 120 days after the appointment by the Attorney General of an interim U.S. Attorney. The bill further provides that if an appointment expires, the district court for such district may appoint a U.S. Attorney to serve until the vacancy is filled (and the court must file the order of appointment with the clerk of the court), and stipulates that this section of the U.S. Code (546) is the exclusive means for appointing an individual to temporarily perform the functions of a U.S. Attorney for a district where there is a vacancy.

Under current law, the Attorney General may appoint an interim U.S. Attorney to serve for an *indefinite* period of time until a vacancy is filled by the President with the advice and consent of the United States Senate. This bill would limit interim appointments to a maximum of 120 days. Upon expiration of any interim appointment made by the Attorney General, the district court

would be granted authority to appoint a U.S. Attorney to serve until the vacancy is filled (by the president and with the advice and consent of the Senate). In other words, it would strip this power from the Attorney General to provide an indefinite U.S. Attorney, and instead allow the U.S. district court to fill the vacancy if the initial 120 interim appointment expires.

Additional Information: According to the Democrat majority's committee report, this bill is in response to the recent dismissal of eight U.S. Attorneys by the Bush Administration. Also, the committee report noted that "Section 502 of the USA PATRIOT Improvement and Reauthorization Act of 2005 gave the Attorney General the authority to fill U.S. Attorney vacancies on an indefinite, interim basis, pending confirmation of new nominees by the Senate. Previously, the Attorney General could appoint interim U.S. Attorneys only for 120 days, after which interim appointment authority passed to the district courts until new nominees were confirmed."

Possible Conservative Concerns: Several Republican committee members voiced their concern over the provisions of this bill, and the fact that it was not fully deliberated in committee. Further, Ranking Member Lamar Smith stated it was likely avoidable to have a bill calling for "judges to appoint the very Executive Branch prosecutors practicing before them-- judicial appointments that raise legal and practical concerns that we believe would have merited more consideration." Further, it was observed in the dissenting views of the committee report that Rep. Nadler "suggested that Congress could reinstate the interim appointment authority at some future date for some other President" at the committee mark-up, suggesting that this bill is specifically a punitive measure against the President Bush and the current Administration, while all of the facts of the case have not been settled.

Committee Action: H.R. 580 was introduced on January 19, 2007, and referred to the Committee on Judiciary's Subcommittee on Commercial and Administrative Law. Hearings were held in early March, and the bill was marked-up and reported (amended) to the House by voice vote on March 15, 2007 (House Report [110-58](#)).

Cost to Taxpayers: CBO estimates that enacting H.R. 580 would have no significant impact on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Judiciary Committee, in House Report [110-58](#), cites constitutional authority in Article II, Section 2, Clause 2 (Senate's advise and consent responsibility regarding judicial appointments).

House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution." *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

###